



Course: USDA Civil Rights Overview
Module I: Equal Employment Opportunity

Lesson D

Compliance Requirements

Description: In this lesson, you will examine some of the compliance requirements for implementing effective Equal Employment Opportunity (EEO) programs.

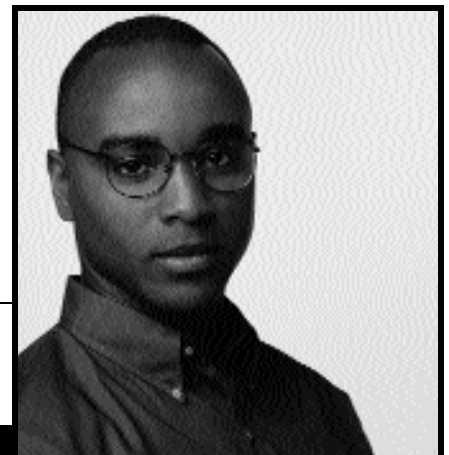
Objectives: Upon completion of this lesson, you will be able to:

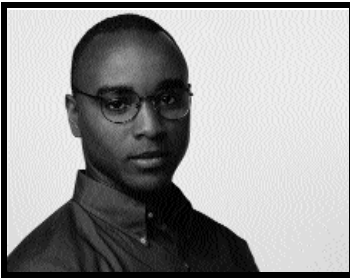
- Identify some of the regulatory requirements for implementing effective EEO programs.
- Identify some of the ways to ensure compliance.

Listed below are the **topics** associated with this lesson.

Topic 1 Regulatory Requirements

Topic 2 Ensuring Compliance





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Topic 1: Regulatory Requirements

The following are some examples of regulatory requirements derived from Equal Employment Opportunity (EEO) laws and Executive Order 13087:

It is illegal to **hire, fire**, or in any other way discriminate against an applicant or employee because of the individual's race, color, national origin, sex, age, religion, disability or sexual orientation. This prohibition applies to compensation and any terms, conditions or privileges of employment.

It is illegal to **limit, segregate** or **classify** an employee or applicant in any way that might deprive the person of employment opportunities because of his or her race, color, national origin, religion, sex, age, disability or sexual orientation.

It is illegal to discriminate against someone because he or she has a **relationship with an individual with a known disability**. This can be a family, business, or social relationship or any other type of association.

It is illegal to **retaliate** against someone because he or she has:

- Filed or stated an intent to file an EEO complaint or lawsuit.
- Participated in or stated an intent to participate in any stage of an EEO complaint or lawsuit as a representative, witness, counselor or in any other capacity.
- Opposed discriminatory conduct in the workplace.





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Topic 1: Regulatory Requirements

Example

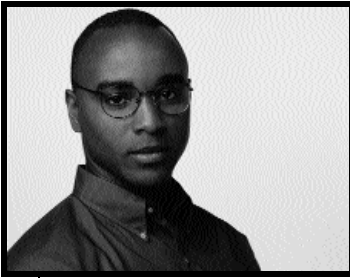
Examples of Retaliation

- Directly or indirectly discouraging employees from using the Discrimination Complaint Process
- Retaliatory harassment, intimidation or surveillance
- Retaliatory work assignments
- Undeserved discipline, demotion, reassignment or discharge
- Allowing others to retaliate against an employee for participating in the EEO complaint process.

Retaliation is any adverse treatment, or the actual or implied threat of adverse treatment directed toward a person who participates in the EEO complaint process or who opposes illegal discriminatory practices.

An employee, former employee or applicant does not have to have actually filed a previous charge of discrimination to have grounds for a charge of retaliation. The individual may have expressed opposition to discriminatory conduct in the workplace. The EEOC considers "retaliation" a very serious charge because of its potential "chilling" effect on the willingness of individuals to speak out against employment discrimination.





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Topic 1: Regulatory Requirements

Exercise

What Makes a Situation Retaliatory

Monique, a Black female, has been summoned as a witness in a local EEOC hearing involving a charge of religious discrimination by one of her co-workers. Upon hearing of Monique's summons, her supervisor informed Monique that her participation in the hearing will not be possible because of a new emergency project requiring her to work at the regional office, which is 900 miles away.

Why is the supervisor's denial of Monique's attendance at the hearing an example of retaliation? (Circle correct answer.)

- A. Because the agency attempted to prevent Monique from participating in the EEO process as a witness at an EEOC hearing by assigning Monique a last-minute detail.
- B. Because the agency did not "accommodate" Monique by assigning someone else the detail so that she could be a witness at an EEOC hearing.
- C. Because Monique was "treated unequally" by assigning her a detail at the last minute, thereby preventing her from participating in the EEO process as a witness at an EEOC hearing.





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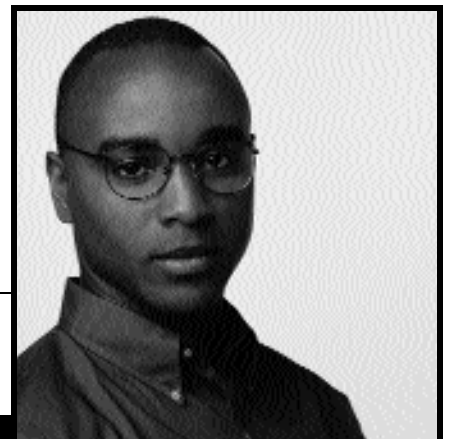
Topic 1: Regulatory Requirements

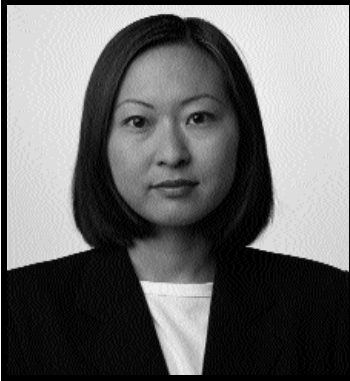
Exercise Answers

If A is selected **You are correct!** The agency's attempt to prevent Monique from participating in the EEO process as a witness at an EEOC hearing is an example of unlawful retaliation.

If B is selected **Incorrect.** This situation is not an example of "nonaccommodation."

If C is selected: **Incorrect.** This situation is not an example of disparate (or unequal) treatment.





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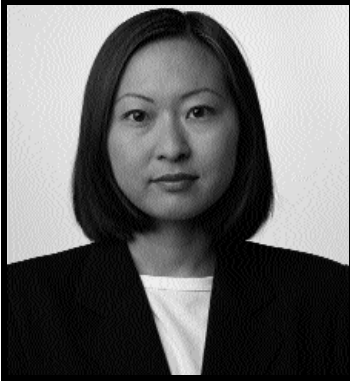
Compliance Requirements

Topic 2: Ensuring Compliance

Equal Employment Opportunity (EEO) laws and regulations often require that certain activities occur in order to ensure compliance. Some examples of these activities are:

- An employer must post in open view EEO information that is important to applicants and employees. These notices must list the prohibitions against employment discrimination. These notices also must explain how to file a complaint if a person feels he or she is being discriminated against.
- An employer must carry out employment duties in a nondiscriminatory manner.
- An employer must provide suitable complaint procedures.
- An employer must follow all record-keeping requirements that apply to the organization.
- All employees in contact with the public must be trained in EEO policy and procedures.
- Employees must carry out all duties according to EEO laws and Executive Orders.
- Aids and services must be provided for good communication with all customers.
- Reasonable religious and disability-related accommodation must be provided to all qualified individuals applying for and employed by the organization.





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Topic 2: Ensuring Compliance

Example

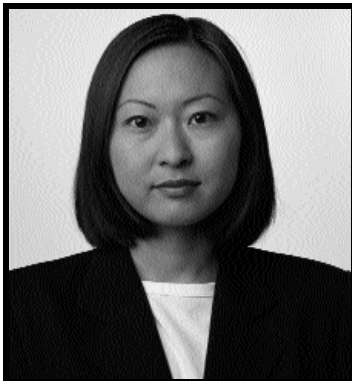
The Complaint Process

The complaint process serves as a highway for employees or applicants to travel in their search for resolution of a complaint. The highway can ultimately lead all the way to the U.S. Supreme Court. But the goal of the journey is not to travel the highway to its end, but to discover a more attractive destination (or resolution) along the way.

To gain access to the highway, the person must first contact an agency Equal Employment Opportunity (EEO) counselor. The counselor will try to find out why the complainant wishes to take the journey and will explain the rules of the road. During the first leg (informal stage) of the journey, the complainant can travel "incognito," or anonymously. The counselor will travel with the complainant, looking for ways for the traveler and the agency to meet halfway and resolve their differences.

If the complainant and agency do not reach a resolution during the informal stage, the counselor will bid the complainant farewell, and the complainant will decide whether or not to continue the journey into the formal stage of the process. But as long as the complainant remains on the road, the real destination of the journey will always be **RESOLUTION**.





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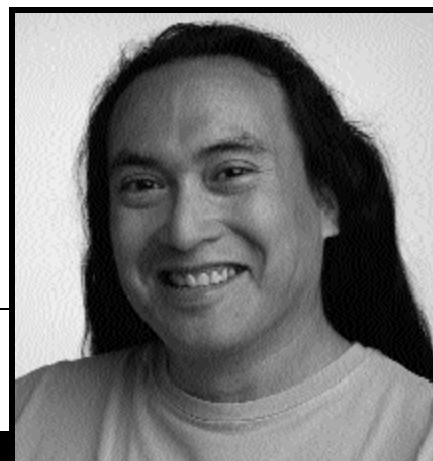
Topic 2: Ensuring Compliance

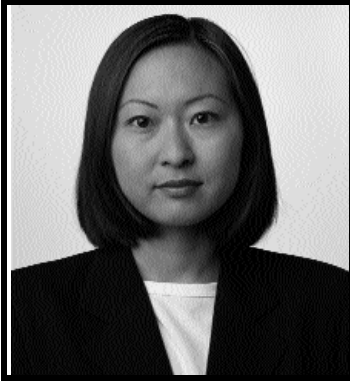
Exercise

An Outcome of the Complaint Process

Which of the following outcomes illustrates the federal discrimination complaint process. (Check all that apply.)

- ☐ **A.** Following a visit by the Equal Employment Opportunity (EEO) counselor, a supervisor issues a written apology to a subordinate for insensitive remarks she made about that person's race. The apology is accepted and the informal complaint is quickly settled.
- ☐ **B.** Both the agency and the employee spend thousands of dollars in attorney fees and court costs to settle a lawsuit concerning insensitive remarks by the employee's supervisor.
- ☐ **C.** An agency experiences a very high and costly turnover rate as a result of unresolved EEO issues between employees and management.





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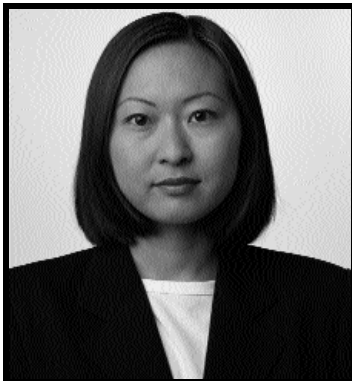
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Topic 2: Ensuring Compliance

Exercise Answers

The correct answer is A.

This outcome illustrates the federal discrimination complaint process.





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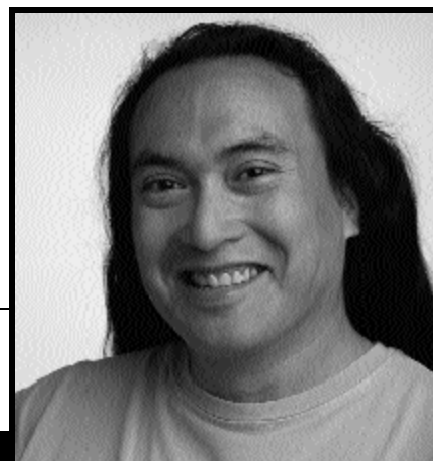
Lesson Summary

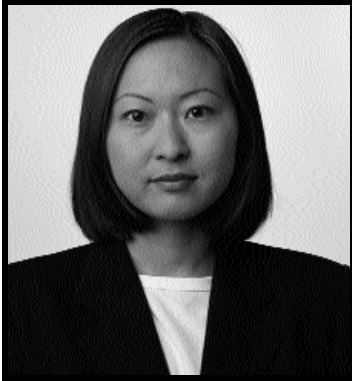
1. It is illegal to discriminate against an employee or applicant on the basis of that individual's race, color, national origin, sex, religion, age, sexual orientation or disability in: (Select all that apply.)

- A. Job assignments
- B. Firing
- C. Hiring
- D. The terms, conditions or privileges of employment

2. An agency has an obligation to follow all record-keeping requirements that apply to its organization. This is a requirement that:

- A. Helps ensure compliance with Equal Employment Opportunity (EEO) laws and regulations
- B. Singles out chronic complainers
- C. Provides managers with information on employees who file complaints
- D. Costs the agency a substantial amount of its EEO budget





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Lesson Summary Answers

1. It is illegal to discriminate against an employee or applicant on the basis of that individual's race, color, national origin, sex, religion, age, sexual orientation or disability in: (Select all that apply.)

All the choices are right. An employee or applicant cannot be limited, segregated or classified in any way that can deprive the person of employment opportunities because of that individual's race, color, national origin, sex, religion, age, sexual orientation or disability.

2. An agency has an obligation to follow all record-keeping requirements that apply to its organization. This is a requirement that:

The correct answer is A. Information contained in the record regarding EEO matters may not be used against employees or applicants. Record-keeping by the agency is an important function of the process, and cost does not amount to a substantial portion of the budget.

